

IV. SENTENCING GUIDELINES GRID

Presumptive Sentence Lengths in Months

Italicized numbers within the grid denote the range within which a judge may sentence without the sentence being deemed a departure. Offenders with non-imprisonment felony sentences are subject to jail time according to law.

| SEVERITY LEVEL OF CONVICTION OFFENSE (Common offenses listed in italics) | | CRIMINAL HISTORY SCORE | | | | | | |
|---|-------------|------------------------|-----------------|-----------------|----------------|----------------|-----------------------------|-----------------------------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 or more |
| <i>Murder, 2nd Degree</i> (intentional murder; drive-by-shootings) | XI | 306 261-367 | 326 278-391 | 346 295-415 | 366 312-439 | 386 329-463 | 406 346-480 ² | 426 363-480 ² |
| <i>Murder, 3rd Degree</i> <i>Murder, 2nd Degree</i> (unintentional murder) | X | 150 128-180 | 165 141-198 | 180 153-216 | 195 166-234 | 210 179-252 | 225 192-270 | 240 204-288 |
| <i>Assault, 1st Degree</i> <i>Controlled Substance Crime, 1st Degree</i> | IX | 86 74-103 | 98 84-117 | 110 94-132 | 122 104-146 | 134 114-160 | 146 125-175 | 158 135-189 |
| <i>Aggravated Robbery, 1st Degree</i> <i>Controlled Substance Crime, 2nd Degree</i> | VIII | 48 41-57 | 58 50-69 | 68 58-81 | 78 67-93 | 88 75-105 | 98 84-117 | 108 92-129 |
| <i>Felony DWI</i> | VII | 36 | 42 | 48 | 54 46-64 | 60 51-72 | 66 57-79 | 72 62-84 ² |
| <i>Controlled Substance Crime, 3rd Degree</i> | VI | 21 | 27 | 33 | 39 34-46 | 45 39-54 | 51 44-61 | 57 49-68 |
| <i>Residential Burglary</i> <i>Simple Robbery</i> | V | 18 | 23 | 28 | 33 29-39 | 38 33-45 | 43 37-51 | 48 41-57 |
| <i>Nonresidential Burglary</i> | IV | 12 ¹ | 15 | 18 | 21 | 24 21-28 | 27 23-32 | 30 26-36 |
| <i>Theft Crimes (Over \$5,000)</i> | III | 12 ¹ | 13 | 15 | 17 | 19 17-22 | 21 18-25 | 23 20-27 |
| <i>Theft Crimes (\$5,000 or less)</i> <i>Check Forgery (\$251-\$2,500)</i> | II | 12 ¹ | 12 ¹ | 13 | 15 | 17 | 19 | 21 18-25 |
| <i>Sale of Simulated Controlled Substance</i> | I | 12 ¹ | 12 ¹ | 12 ¹ | 13 | 15 | 17 | 19 17-22 |



Presumptive commitment to state imprisonment. First-degree murder has a mandatory life sentence and is excluded from the guidelines by law. See Guidelines Section II.E., Mandatory Sentences, for policy regarding those sentences controlled by law.



Presumptive stayed sentence; at the discretion of the judge, up to a year in jail and/or other non-jail sanctions can be imposed as conditions of probation. However, certain offenses in this section of the grid always carry a presumptive commitment to state prison. See, Guidelines Sections II.C. Presumptive Sentence and II.E. Mandatory Sentences.

¹ One year and one day

² M.S. § 244.09 requires the Sentencing Guidelines to provide a range for sentences which are presumptive commitment to state imprisonment of 15% lower and 20% higher than the fixed duration displayed, provided that the minimum sentence is not less than one year and one day and the maximum sentence is not more than the statutory maximum. See, Guidelines Sections II.H. Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence and II.I. Sentence Ranges for Presumptive Commitment Offenses in Shaded Areas of Grids.

**Examples of Executed Sentences (Length in Months) Broken Down by:
Specified Minimum Term of Imprisonment and Specified Maximum Supervised Release Term**

Offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993 will no longer earn good time. In accordance with Minn. Stat. § 244.101, offenders will receive an executed sentence pronounced by the court consisting of two parts: a specified minimum term of imprisonment equal to two-thirds of the total executed sentence and a supervised release term equal to the remaining one-third. This provision requires that the court pronounce the total executed sentence and explain the amount of time the offender will serve in prison and the amount of time the offender will serve on supervised release, assuming the offender commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court shall also explain that the amount of time the offender actually serves in prison may be extended by the Commissioner if the offender violates disciplinary rules while in prison or violates conditions of supervised release. This extension period could result in the offender's serving the entire executed sentence in prison. The court's explanation is to be included in a written summary of the sentence.

| Executed Sentence | Term of Imprisonment | Supervised Release Term | Executed Sentence | Term of Imprisonment | Supervised Release Term |
|--------------------------|-----------------------------|--------------------------------|--------------------------|-----------------------------|--------------------------------|
| 12 and 1 day | 8 and 1 day | 4 | 78 | 52 | 26 |
| 13 | 8 2/3 | 4 1/3 | 86 | 57 1/3 | 28 2/3 |
| 15 | 10 | 5 | 88 | 58 2/3 | 29 1/3 |
| 17 | 11 1/3 | 5 2/3 | 98 | 65 1/3 | 32 2/3 |
| 18 | 12 | 6 | 108 | 72 | 36 |
| 19 | 12 2/3 | 6 1/3 | 110 | 73 1/3 | 36 2/3 |
| 21 | 14 | 7 | 122 | 81 1/3 | 40 2/3 |
| 23 | 15 1/3 | 7 2/3 | 134 | 89 1/3 | 44 2/3 |
| 24 | 16 | 8 | 146 | 97 1/3 | 48 2/3 |
| 27 | 18 | 9 | 150 | 100 | 50 |
| 28 | 18 2/3 | 9 1/3 | 158 | 105 1/3 | 52 2/3 |
| 30 | 20 | 10 | 165 | 110 | 55 |
| 33 | 22 | 11 | 180 | 120 | 60 |
| 36 | 24 | 12 | 190 | 126 2/3 | 63 1/3 |
| 38 | 25 1/3 | 12 2/3 | 195 | 130 | 65 |
| 39 | 26 | 13 | 200 | 133 1/3 | 66 2/3 |
| 42 | 28 | 14 | 210 | 140 | 70 |
| 43 | 28 2/3 | 14 1/3 | 220 | 146 2/3 | 73 1/3 |
| 45 | 30 | 15 | 225 | 150 | 75 |
| 48 | 32 | 16 | 230 | 153 1/3 | 76 2/3 |
| 51 | 34 | 17 | 240 | 160 | 80 |
| 54 | 36 | 18 | 306 | 204 | 102 |
| 57 | 38 | 19 | 326 | 217 1/3 | 108 2/3 |
| 58 | 38 2/3 | 19 1/3 | 346 | 230 2/3 | 115 1/3 |
| 60 | 40 | 20 | 366 | 244 | 122 |
| 66 | 44 | 22 | 386 | 257 1/3 | 128 2/3 |
| 68 | 45 1/3 | 22 2/3 | 406 | 270 2/3 | 135 1/3 |
| 72 | 48 | 24 | 426 | 284 | 142 |